

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

PRIVA TECHNOLOGIES, INC.,)

Plaintiff,)

v.)

KEN BUCHHOLZ, EXPRESS SCAN,
INC., and TRIPLE DIAMOND, INC.,)

Defendants.)

No. 05-2682 MA/V

FILED IN OPEN COURT

DATE: 9/19/05

TIME: 2:35 PM

INITIALS: JPW

CONSENT TEMPORARY RESTRAINING ORDER

This matter came to be heard on the application of Plaintiff Priva Technologies, Inc. ~~for a temporary restraining order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. Plaintiff has shown to the Court by its verified Complaint that immediate and irreparable loss will result to Plaintiff unless a temporary restraining order is granted with respect to certain assets and intellectual property at issue in this action. Plaintiff's attorney has submitted certification in writing regarding Plaintiff's efforts to give notice of the application for temporary restraining order to Defendants Ken Buchholz, Express Scan, Inc. and Triple Diamond, Inc.~~

~~The Court finds that the application for temporary restraining order is well taken. According to the verified Complaint, Defendants are refusing to allow Plaintiff access to the assets previously purchased by and assigned to Plaintiff pursuant to the contract as well as the assets subsequently purchased by Priva and installed at the leased premises and the intellectual property created by Priva following the acquisition. Plaintiff is~~

By Agreement, The parties are required, And hereby
ORDERED to engage in private mediation within 14 days
of the entry of This order.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 9-21-05

~~seeking specific performance as well as other remedies. Defendants also have access to Plaintiff's alleged confidential information, intellectual property and proprietary software that were installed after the purchase of the assets. Defendants, therefore, have the ability to appropriate and misuse such property of Prima unless enjoined by the Court from doing so. Plaintiff essentially seeks to preserve the status quo pending a hearing on the merits with respect to the previously purchased assets from Defendants and intellectual property.~~

UPON CONSENT AND AGREEMENT OF THE PARTIES,

IT IS HEREBY ORDERED that Defendants Ken Buchholz, Express Scan, Inc. and Triple Diamond, Inc. and their officers, agents, employees and attorneys are prohibited from using, selling, duplicating, copying, changing, modifying, marketing, destroying or otherwise disposing of the previously purchased assets at issue (which are listed in Schedule A of Exhibit D to the Verified Complaint). Defendants and their officers, agents, employees and attorneys are also prohibited from using, selling, duplicating, copying, changing, modifying, marketing, destroying or otherwise disposing of Plaintiff's intellectual property and proprietary software owned, developed and installed by Plaintiff. Defendants and their officers, agents, employees and attorneys are also prohibited from using, selling, duplicating, copying, changing, modifying, marketing, destroying or otherwise disposing of any assets utilizing Plaintiff's ^{claimed} intellectual property and proprietary software. A hearing upon application for a preliminary injunction will be heard on 24th, the ~~18~~ day of

OCT., 2005, at 9 o'clock A.m. Bond is set at \$ 1,000.00.


UNITED STATES DISTRICT COURT JUDGE

Date: Sept. 19, 2005

Time: 2:30 P.M.



United States District Court

Western District of Tennessee

Western Division-Memphis
167 N. Main, Room 242
Memphis, TN 38103
(901) 495 - 1200

Eastern Division-Jackson
Room 262, 111 South Avenue
Jackson, TN 38301
(731) 421-9200

Received From:

DAVID RUDOLPH

Cash:

Check:

Credit: \$1,000.00

Total Amount \$1,000.00

Total Amount Paid: \$1,000.00

Change: \$0.00

Receipt Details

1 Registry

Amount Owed: \$1,000.00

Case Number 2:05CV2682

6410 POPLAR AVE, SUITE 1000
MEMPHIS, TN 38119

Total Amount: \$1,000.00

Total Lines: 1



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02682 was distributed by fax, mail, or direct printing on September 21, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT